



**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

JOHN W. KARCZ

Civil Action No.

Plaintiff,

CIVIL COMPLAINT

-against-

JURY TRIAL REQUESTED

**The City of North Tonawanda, New York,
The City of North Tonawanda Police Department,
The County of Erie, New York,
The Erie County District Attorney's Office,
North Tonawanda Police Detective Larry Kuebler, Jr.,
North Tonawanda Police Officer Greg Benjamin,
North Tonawanda Police Officer Lee Bolslover,
North Tonawanda Police Officer Thomas Krantz,
North Tonawanda Police Officer Chris Mamot,
North Tonawanda Police Officer Jeffrey Swick,
North Tonawanda Police Officer Frank Burkhart,
North Tonawanda Police Lieutenant Nick Iwanicki,
Erie County District Attorney John J. Flynn,
Erie County Assistant District Attorney Brian P. McNamara**

20 CV1045

Defendants.

Plaintiff JOHN W. KARCZ, for and on behalf of himself;

Hereby brings this action under Title 42 U.S.C. §1983 to redress his civil and legal rights, and
alleges as follows:

PRELIMINARY STATEMENT

1. This is a civil rights action in which the plaintiff, JOHN W. KARCZ, seeks
relief for the defendants' violations of his rights secured by the Civil Rights Act of 1871, 42
U.S.C. 1983, by the United States Constitution, including its First, Fourth and Fourteenth

1 Amendments, and by the laws and Constitution of the State of New York. Plaintiff seeks
2 compensatory and punitive damages, an award of costs, interest and attorney's fees, and such
3 other and further relief as this Court deems just and proper.
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5 JURISDICTION AND VENUE

6 2. This action is brought pursuant to 42 U.S.C. §1983, and the First,
7
8 Fourth and Fourteenth Amendments to the United States Constitution. Jurisdiction is conferred upon
9 this Court by 28 U.S.C. §§1331 and 1343, this being an action seeking redress for the violation of the
10 Plaintiffs' constitutional and civil rights.
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12 3. Plaintiff further invokes this Court's supplemental jurisdiction, pursuant to 28
13 U.S.C. §1367, over any and all state law claims and as against all parties that are so related to claims
14 in this action within the original jurisdiction of this court that they form part of the same case or
15 controversy.
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17 4. Venue in this District is proper under 28 U.S.C. 13910 (b) and (c) in that Defendants
18 the CITY OF NORTH TONAWANDA, New York, and the COUNTY OF ERIE, N.Y., are
19 administratively located within the Western District of New York, and the events giving rise to this
20 claim occurred within the boundaries of the Western District of New York.
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22 JURY TRIAL DEMANDED

23 5. Plaintiff demands a trial by jury on each and every one of his claims as pleaded herein.
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PARTIES

6. At all times relevant to this action, Plaintiff JOHN W. KARZ, alternately referenced herein as “the Plaintiff,” was a resident of Niagara County, New York, and was at all times relevant herein residing at 357 Daniel Drive, in the CITY OF NORTH TONAWANDA, New York, 14120.

7. Defendant the CITY OF NORTH TONAWANDA is and was at all times relevant herein a municipal entity created and authorized under the laws of the State of New York. It is authorized by law to maintain a police department which acts as its agent in the area of law enforcement and for which it is ultimately responsible. Defendant the CITY OF NORTH TONAWANDA assumes the risks incidental to the maintenance of a police force and the employment of police officers. Defendant the CITY OF NORTH TONAWANDA was at all times relevant herein the public employer of Defendants Chief of Police Roger ZGOLAK, North Tonawanda Police Officer Hagop OTABACHIAN, North Tonawanda Police Officer Michael LONCAR, and North Tonawanda Police Lieutenant Nick IWANICKI.

8. Defendants ZGOLAK, OTABACHIAN, LONCAR, and IWANICKI are and were at all times relevant herein duly appointed and acting officers, servants, employees and agents of the North Tonawanda Police Department (“NTPD”), a municipal agency of Defendant the CITY OF NORTH TONAWANDA, New York. At all times relevant herein, the individual defendants were acting under color of the laws, statutes, ordinances, regulations, policies, customs and/or usages of the State of New York and the North Tonawanda Police Department, in the course and scope of their duties and functions as officers, agents, servants, and employees of Defendant the CITY OF NORTH TONAWANDA, New York, were acting for, and on behalf of, and with the power and authority

1 vested in them by the CITY OF NORTH TONAWANDA, New York and the North Tonawanda
2 Police Department, and were otherwise performing and engaging in conduct incidental to the
3 performance of their lawful functions in the course of their duties. They are sued individually and in
4 their official capacity.

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6 9. By the conduct, acts, and omissions complained of herein, Defendants
7 ZGOLAK, OTABACHIAN, LONCAR, and IWANICKI violated clearly established constitutional
8 standards under the First and Fourteenth Amendments to the United States Constitution of which a
9 reasonable police officer under the circumstances would have known.
10

11 NOTICE OF CLAIM

12 10. On August 4, 2019, Plaintiff timely filed a Notice of Claim with the GMU § 53
13 Designee of the CITY OF NORTH TONAWANDA and ERIE COUNTIES, setting forth the facts
14 underlying Plaintiff's claim against The County of Erie, New York, The Erie County District
15 Attorney's Office, The City of North Tonawanda, New York, The City of North Tonawanda Police
16 Department, Erie County District Attorney John J. Flynn, Erie County Assistant District Attorney
17 Brian P. McNamara, and North Tonawanda Police Officer Thomas Krantz.
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19
20 11. On August 3, 2018, Plaintiff timely filed a Notice of Claim with the GMU § 53
21 Designee of the City of North Tonawanda setting forth the facts underlying Plaintiff's claim against
22 The City of North Tonawanda, New York, The City of North Tonawanda Police Department, The
23 City of North Tonawanda City Attorney's Office, North Tonawanda Judge Shawn P. Nickerson,
24 North Tonawanda Chief of Police Roger Zgolak, North Tonawanda City Attorney Luke Brown,
25 North Tonawanda Police Detective Larry Kuebler, Jr., North Tonawanda Police Officer Greg
26 Benjamin, North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey
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Swick, North Tonawanda Police Officer Frank Burkhart, and North Tonawanda Police Lieutenant Nick Iwanicki, for the events leading up to and relating back to the current civil action.

12. As the actions of Defendants, The Erie County District Attorney's Office, The City of North Tonawanda, New York, The City of North Tonawanda Police Department, Erie County District Attorney John J. Flynn, Erie County Assistant District Attorney Brian P. McNamara, and North Tonawanda Police Officer Thomas Krantz caused this matter to be intentionally protracted for an additional 13 months the Plaintiff asks the court to accept that filing of notice tolled, and only having reached ripeness for suit upon the final of three dismissals of criminal charges in the Plaintiff's favor.

13. Accepting the July 3, 2018, Notice of Claim as tolled until the current date of accrual, May 7, 2019, will not prejudice those Defendants in any way; as their attorneys, Kevin Cope and Ted Graney accepted service of the Notice, sent letters, and had several conversations about this matter with the Defendants and Plaintiff at that time. In fact, Graney suggested these issues be tolled pending the outcome of the pending (false) criminal charges.

14. As stated previously, all charges were dismissed in favor of the accused on or about May 7, 2019.

15. The City of North Tonawanda assigned a file number to Plaintiff's claims, and their attorneys, Ted Graney and Kevin Cope, have sent letters which acknowledged service of the Plaintiff's Notice of Claims.

1 23. This conspiracy to manipulate the Bank caused a “short sale” to Kuebler’s father
2 which resulted in an immediate equity profit of over \$50,000.00 to Kuebler due to the libel.

3
4 24. In the first days July of 2015, Defendant Kuebler was observed at approximately
5 12:00 a.m. staring into the Karcz family’s bedroom window while driving a police vehicle. The
6 Plaintiffs had never seen Mr. Kuebler before.

7
8 25. Several days later, Defendant Kuebler approached Mr. Karcz on his property at 357
9 Daniel Drive, North Tonawanda, New York, and made the following alarming statements: “I’m a
10 North Tonawanda police officer who is moving in next door to you, and I know all about you and
11 what went on here.” and “I understand that you have something against police officers and your wife
12 turned (Police Officer) Jeff Shiesley in for insurance fraud.”

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15 26. In or around early November 2016, Defendant purchased 2 pit-bull mix dogs and
16 placed them on his property at 367 Daniel Drive, North Tonawanda, New York.

17
18 27. Defendant did not erect a fence between his property and the Plaintiffs’ properties and
19 put the dogs in his backyard, as a result the dogs entered the Plaintiffs’ properties. This is a violation
20 of the **City of North Tonawanda Codified Ordinance Chapter 33, § 33-2 (Prohibitions)** Which
21 states: **“It shall be unlawful for any owner of a dog in the City of North Tonawanda to permit**
22 **or allow such dog to: A. Run at large or B. Be off the owner's property unless leashed by a**
23 **chain or leash not exceeding six feet in length and in charge of and under the control of a**
24 **competent person.”**

28. Defendant's dogs entered and trespassed on the Plaintiffs' properties both on Daniel Drive and Fredericka Street several times. This is a violation of the **City of North Tonawanda Codified Ordinance Chapter 33, § 33-2 (Prohibitions)** Which states: **"It shall be unlawful for any owner of a dog in the City of North Tonawanda to permit or allow such dog to: A. Run at large or B. Be off the owner's property unless leashed by a chain or leash not exceeding six feet in length and in charge of and under the control of a competent person."**

29. As a result of this danger, the Plaintiff made a complaint and Kuebler was charged in North Tonawanda City Court under the City of North Tonawanda Codified Ordinance Chapter 33, § 33-2 on or about January 24, 2017.

30. On or about January 26, 2017, Kuebler and Tom Krantz conspired to have a warrant produced by Katherine Alexander, an appointed judge who a few days earlier was answering telephones in the City Attorney's Office.

31. In his complaint, Kuebler claimed that he'd been called a "pussy" by the Plaintiff from about 20 feet away, while they were in their respective yards.

32. On January 26, 2017, Kuebler's friends and co-workers, Defendants Benjamin and Bolsover, falsely arrest plaintiff with a warrant for harassment of Kuebler.

33. The warrant alleges false incident on a date when Plaintiff proves he was 400 miles away.

34. On January 27, 2017 Defendant Nickerson issues " temporary order of protection" for Police Officer Kuebler without *good cause hearing* as required by law in all matters except Domestic Violence.

35. On February 18, 2017 Nickerson recuses from all matters regarding Mr. Karcz.

36. On February 22, 2017, Nickerson recuses the entire North Tonawanda City Court.

37. On November 14, 2017, the Non-criminal allegation of harassment in the 2nd degree was terminated in the Plaintiff's favor.

MAY 12, 2018

38. On or about May 12th, 2018 at about 5:47 p.m. at 357 Daniel Drive, North Tonawanda, New York, 14120, Kuebler, without provocation, angrily rushed towards me at 5:28 p.m., screaming and waving a broomstick at me while I was 60 feet away, in my own driveway, speaking with my wife. I went in the house and cooked my family dinner.

39. On or about May 12th, 2018 at about 6:47 p.m. at 357 Daniel Drive, North Tonawanda, New York, 14120, Defendants North Tonawanda Police Officer Greg Benjamin, North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank Burkhart, in conspiracy with, and at the direction of North Tonawanda Police Detective Larry Kuebler, Jr. and North Tonawanda Police Lieutenant Nick Iwanicki, accosted me at my home and claimed that Kuebler had been called a “pussy” by the Plaintiff from about 60 feet away, while we were in our respective yards.

1 40. Kuebler also claimed that I had “stomped my foot at him,” also from 60 feet away.

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3 41. Kuebler also claimed that I was enjoined by an order of protection from being at my
4 own home.

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6 42. No order of protection was produced, but Defendants North Tonawanda Police Officer
7 Greg Benjamin, North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer
8 Jeffrey Swick, North Tonawanda Police Officer Frank Burkhart, in conspiracy with, and at the
9 direction of North Tonawanda Police Detective Larry Kuebler, Jr. and North Tonawanda Police
10 Lieutenant Nick Iwanicki, committed false arrest; charging me with criminal contempt in the 1st
11 Degree, a felony.
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14 43. On or about May 12th, 2018 at about 6:51 p.m. at 357 Daniel Drive, North Tonawanda,
15 New York, 14120, when defendant North Tonawanda Police Officer Frank Burkhart, assaulted me
16 by wrenching my surgically repaired right arm behind my back without cause, intentionally caused
17 me psychological and physical injury in addition to emotional distress.
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19 44. When I asked Officer Swick and Burkhart why I was being falsely arrested for,
20 Burkhart said: “*whatever you did over there, we were just told to bring you in by our lieutenant,*”
21 indicating orders from Iwanicki.
22

23 45. On or about May 12th, 2018 at about 6:54 p.m. in the, North Tonawanda, New York,
24 14120, when defendants North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police
25 Officer Frank Burkhart, refused to read my Miranda rights in violation of my rights accorded by the
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1 5th and 14th Constitutional Amendments, Rights, and Privileges, and thereafter attempted to question
2 me under duress of false arrest.

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4 46. On or about May 12th, 2018 at about 7:00 p.m. at 216 Payne Avenue, North
5 Tonawanda, New York, 14120, when defendants North Tonawanda Police Officer Jeffrey Swick,
6 North Tonawanda Police Officer Frank Burkhart, intentionally caused me physical injury by
7 wrenching my right shoulder, arm, and back; causing bruising, as well as twisting my previously
8 injured left foot and ankle without cause, and a competent police officer would have been on notice
9 that it is unreasonable to forcibly assault a citizen.
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12 47. I was refused bail, stripped of my shoes, and made to stand in a concrete cell for the
13 next 14 hours, without being charged with a crime.

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15 48. On or about May 12th beginning at about 7:20 p.m. and continued into May 13th,
16 2018, at approximately 1:00 p.m. at 216 Payne Avenue, North Tonawanda, New York, 14120, when
17 defendants North Tonawanda Police Officer Greg Benjamin, North Tonawanda Police Officer Chris
18 Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank
19 Burkhart, in conspiracy with and at the direction of North Tonawanda Police Detective Larry
20 Kuebler, Jr. and North Tonawanda Police Lieutenant Nick Iwanicki, and several other un-named
21 North Tonawanda police officers intentionally caused me psychological and physical injury in
22 addition to emotional distress, by refusing me medical care, reasonable accommodations, and
23 detaining me, after taking my safe and harmless sandals, which caused me to suffer greater injury or
24 indignity in that process than other arrestees, all of which any competent police officer would have
25 been on notice that it is unreasonable to do so, by forcing me to stand, with injured feet on a filthy,
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1 concrete floor in a 4 foot by 7 foot cell filled with urine, sputum, blood, and several other
2 unidentifiable forms of debris and filth; any competent police officer would have been on notice that
3 it is unreasonable to forcibly detain and a disabled citizen without reasonable and clean facilities.
4 These acts were committed in violation of my rights under the 1st, 4th, 5th, 6th, 8th, 9th, and 14th
5 Constitutional Amendments.
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8 49. On or about May 12th beginning at about 7:00 p.m. and continued into May 13th, 2018, at
9 approximately 1:00 p.m. at 216 Payne Avenue, North Tonawanda, New York, 14120, when
10 defendants North Tonawanda Police Officer Greg Benjamin, North Tonawanda Police Officer Chris
11 Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank
12 Burkhart, in conspiracy with and at the direction of North Tonawanda Police Detective Larry
13 Kuebler, Jr., North Tonawanda Police Lieutenant Nick Iwanicki, several other un-named North
14 Tonawanda police officers, and North Tonawanda City Court Judge Shawn Nickerson, intentionally
15 caused me psychological and physical injury in addition to emotional distress, by refusing me
16 medical care, reasonable accommodations, the accommodations were completely covered with dried
17 bodily fluid and filth; the toilet was filled with bodily waste and did not work; the sitting bench
18 smelled like urine and vomit; and despite the cracked and damaged windows I was not allowed
19 sufficient blanket to stay warm, or in any way rest due to both my injuries at the hands of the police
20 as aforesaid, and my permanent disabilities; most maliciously, I was intentionally imprisoned for
21 over 18 hours in this filthy "closet-sized" cell with no running water! Any competent police officer
22 would have been on notice that it is unreasonable to forcibly detain and a disabled citizen without
23 reasonable and clean facilities deprived of working water, but this wasn't simple detention, it was
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1 revenge for my previously filed federal lawsuit against the North Tonawanda Police Department
2 under 42 U.S.C. § 1983.

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4 50. These acts were likewise intentionally committed in violation of the 1st, 4th, 5th, 6th,
5 8th, 9th, and 14th Constitutional Amendments.

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7 51. In so doing, Defendants North Tonawanda Police Officer Greg Benjamin, North
8 Tonawanda Police Officer Chris Marmot, North Tonawanda Police Officer Jeffrey Swick, North
9 Tonawanda Police Officer Frank Burkhart, in conspiracy with, and at the direction of North
10 Tonawanda Police Detective Larry Kuebler, Jr. and North Tonawanda Police Lieutenant Nick
11 Iwanicki intentionally caused me psychological and physical injury, in addition to emotional distress
12 by unlawfully entering my curtilage and homestead to commit unlawful acts in violation of my rights
13 under the 1st, 4th, 5th, 6th, 8th, 9th, and 14th Constitutional Amendments.

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16 52. I was held without bail through Sunday, and unlawfully arraigned for Criminal
17 Contempt in the First Degree by Defendant Nickerson for “lunging at Kuebler as if (I) were going to
18 run at him...,” according to the felony complaint, a document facially insufficient and devoid of
19 probable cause.

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21 53. Because of our previous relationship where, as City Attorney, Nickerson was sued by
22 me and another party in semi-related lawsuit, Nickerson should have recused himself from any
23 finding of probable cause, as a neutral jurist would have been forced to given the scant nature of the
24 charge and lack of any order of protection to support it.

1 54. Ultimately, Nickerson never had a finding of *Probable Cause*, at which time my
2 warrantless arrest clearly came to be in violation of my 4th Amendment Rights.

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4 55. Nickerson needlessly set a high “Cash Only” bail, in excess of New York’s bail
5 recommendations, which mandated that I remain unlawfully jailed for an additional one hundred and
6 twenty-minutes until the cash was delivered and processed.

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8 56. The date when and the place where such claims arose was: On or about May 13th,
9 2018 beginning at about 11:30 a.m. at 216 Payne Avenue, North Tonawanda, New York, 14120,
10 when defendant Shawn P. Nickerson, acting as City Court Judge committed and suborned unlawful
11 acts in violation of the 1st, 4th, 5th, 6th, 8th, 9th, and 14th Constitutional Amendments; Deprivation
12 of Constitutional Rights and Privileges, Intentional Infliction of Emotional Distress (also under Color
13 of Law), 42 U.S.C. § 1983, §1985; Conspiracy to Deprive Persons of Equal Protections of the Law
14 (also under Color of Law), by the commission of Negligence, False Imprisonment, Cruel and
15 Unusual Punishment, willful, malicious, and retaliatory actions against me for naming him in a
16 federal lawsuit in August 2016; in that despite having known me in a positive way for many years,
17 being aware of my owning a home 7 blocks from his own which he visited on several occasions, and
18 having negative information as to the character and veracity of North Tonawanda Police Detective
19 Larry Kuebler, Jr., as well as having considered the insufficiency of the allegations against me,
20 Nickerson, at the arraignment, refused to release me in my own recognizance.

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24 57. without considering my ability to pay set an unreasonably high bail, and when I could
25 not pay, ordered that I be jailed until the excessive amount was extorted from me, and paid in
26 violation of applicable sections of 28 U.S.C. §§ 1391 (b) and (c), 18 U.S.C. § 666, 18 U.S.C. § 872,
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1 and 18 U.S.C. § 880 for Extortion and Unlawful Conversion of Property; and 18 U.S.C. § 1962,
2 Racketeering and Organized Crime. though presumed innocent, despite Supreme Court precedent,
3 and despite the availability of less restrictive alternatives to traditional bail, I was jailed because of
4 my inability to pay bail in violation of the United States and New York State Constitutions.
5 Furthermore, the U.S. Supreme Court has held that no person may be imprisoned solely because of
6 their indigence because doing so violates that individual's equal protection and due process rights.
7 Nickerson did not explain why he thought the set bail amount was necessary to assure Karcz's future
8 court appearance, particularly when Karcz has never missed an appearance. Nickerson did not
9 consider alternative forms of bail or pretrial services or explain why such less restrictive alternatives
10 would not adequately assure Mr. Karcz's return to court. A reasonable impartial jurist should know
11 an individual's fundamental right to freedom be based solely on whether he has the money to
12 purchase it (*Bearden v Georgia*, 461 US 660, 672-73 [1983]). This Supreme Court decision rests on
13 the fundamental principle that there can be no equal justice under law if an individual's right to
14 freedom turns on their ability to purchase it, therefore Judge Nickerson knowingly and intentionally
15 committed retaliatory Extortion for no reason other than me for naming him in a federal lawsuit in
16 August 2016.

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21 58. Nickerson ordered me to appear for a Felony Hearing on May 17th 2018.

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23 59. I appeared for the Felony Hearing, but is told to leave the building thrice; after
24 demanding due process, equal protection, and access to the courts from the judge, Alternate Judge
25 Faso goes on the record and refuses to hold the hearing.

1 60. I stated readiness for the Felony Hearing, inclusive of my witnesses being present;
2 Faso conceded on the record that the District Attorney is present (Granchelli), but not prepared to
3 hold such hearing, which, by law, required my immediate exoneration, and a dismissal of charges.
4

5 61. I moved twice, both through oral motion and filed pleadings, for preliminary
6 dismissal. Judge Faso, still in his third week on the bench, appeared baffled and incompetent; and
7 refuses to act on the motions before the court, thereby violating my rights to due process.
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9 62. On or about May 17th, 2018 beginning at about 1:30 p.m. at 216 Payne Avenue, North
10 Tonawanda, New York, 14120, when in violation of my 1st, 4th, 5th, 6th, 8th, 9th, and 14th
11 Constitutional Rights (under Color of Law), as protected by 42 U.S.C. § 1983, §1985.
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13 63. Despite being scheduled for a Felony hearing, and having several witnesses in
14 attendance, I was deliberately and maliciously interfered with by being refused access to the Courts
15 of the City of North Tonawanda by (1.) the bailiffs at the security checkpoint; (2.) the Court clerks;
16 (3.) I was then forcibly ejected through a backdoor by Tom Krantz and several North Tonawanda
17 Police Officers who coerced me into coming into the Police Booking area; all to deliberately and
18 maliciously interfere with and deny my right to seek adequate legal redress.
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21 64. This caused injury and emotional distress by not allowing me the opportunity to
22 present witnesses with fresh and relevant recollections of the events causing my ineffably false
23 arrest. This injury was intended to prevent my access to fundamental fairness and due process and
24 unlawfully gives the prosecution unlawful opportunity to shore up a case based on lies, fantasy, and
25 revenge.
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1 65. On or about May 17th, 2018 beginning at about 2:30 p.m. at 216 Payne Avenue, North
2 Tonawanda, New York, 14120, when in violation of my 1st, 4th, 5th, 6th, 8th, 9th, and 14th Amendment
3 Constitutional Rights (under Color of Law), when, with no standing or permission to do so, in light
4 of the U.S. Supreme Court decision in *Liteky v. United States*; wherein it became decided that to
5 warrant recusal, a judge's expression of an opinion about the merits of a case, or his familiarity with
6 the facts or the parties, must have originated in a source outside the case itself; acting North
7 Tonawanda City Court Judge James J. Faso, Jr. refused to conduct the Felony Hearing as required by
8 law, as to whether there was reasonable cause to believe that I committed a felony, and to consider
9 filed motions for dismissal upon insufficiency of the prosecution's pleadings and their being
10 unprepared for the Felony Hearing; which entitled me to dismissal of the charges.
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13 66. In addition, I was denied my lawful and constitutionally- protected right to gain lawful
14 insight into the weaknesses of the prosecution's case, and the opportunity to cross-examine key
15 witnesses, most notably the arresting officer(s). This denied my right to enter this fundamental
16 witness' recollection into the record. Later, at a probable cause hearing or trial, if the State's witness
17 tried to offer testimony different from what was offered at the PH, after the prohibited coaching and
18 practice by the ADA which has taken place throughout the history of my interactions with this city;
19 and this in itself is an additional and separate cause for action pursuant to Title 28 U.S. Code § 1331.
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22 67. On or about May 18th, 2018 at about 4:40 p.m. at 357 Daniel Drive, North Tonawanda,
23 New York, 14120, when defendant North Tonawanda Police Detective Larry Kuebler, Jr. unlawfully
24 entered my curtilage and homestead to commit unlawful acts in violation of the 1st, 4th, 5th, 6th, 8th,
25 9th, and 14th Constitutional Amendments; Deprivation of Constitutional Rights and Privileges,
26 Intentional Infliction of Emotional Distress (also under Color of Law), 42 U.S.C. § 1983, §1985;
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1 Conspiracy to Deprive Persons of Equal Protections of the Law (also under Color of Law), by the
2 commission of Defamation, Negligence, Invasion of Privacy, Assault, Harassment, willful,
3 malicious, and retaliatory actions against me for naming him in a federal lawsuit in August 2016; by
4 publicly, while intending to injure, physically threatened me with a dangerous weapon by coming
5 into my side yard and looking in my Dining Room window, while appearing to be armed with a
6 pistol, which caused me to reasonably expect and fear impending harm and significant injury.
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9 68. On or about May 20th, 2018 at about 12:44 a.m. at 357 Daniel Drive, North
10 Tonawanda, New York, 14120, when defendant North Tonawanda Police Detective Larry Kuebler,
11 Jr. unlawfully entered my curtilage and homestall to commit unlawful acts in violation of the 4th, 9th,
12 and 14th Constitutional Amendments; Deprivation of Constitutional Rights and Privileges,
13 Intentional Infliction of Emotional Distress (also under Color of Law), 42 U.S.C. § 1983, §1985;
14 Conspiracy to Deprive Persons of Equal Protections of the Law (also under Color of Law), by the
15 commission of Defamation, Negligence, Invasion of Privacy, Assault, Harassment, willful,
16 malicious, and retaliatory actions against me for naming him in a federal lawsuit in August 2016; by
17 publicly, while intending to injure, came out of his vehicle and yelled: "clean up my fucking
18 sidewalk or I'm going to call you in," while waving a cell phone. This behavior caused me to
19 reasonably expect impending harm and significant injury.
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23 69. On or about May 20th, 2018 at about 12:44 a.m. at 357 Daniel Drive, North
24 Tonawanda, New York, 14120, when defendant North Tonawanda Police Detective Larry Kuebler,
25 Jr. unlawfully entered my curtilage and homestall to commit unlawful acts in violation of the 4th, 9th,
26 and 14th Constitutional Amendments; Deprivation of Constitutional Rights and Privileges,
27 Intentional Infliction of Emotional Distress (also under Color of Law), 42 U.S.C. § 1983, §1985;
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1 Conspiracy to Deprive Persons of Equal Protections of the Law (also under Color of Law), by the
2 commission of Defamation, Negligence, Invasion of Privacy, Assault, Harassment, , willful,
3 malicious, and retaliatory actions against me for naming him in a federal lawsuit in August 2016; by
4 publicly, while intending to injure, came to within 10 feet of where I was seated on my porch, and
5 threw his shoulders forward at me with an unidentified weapon in his hand, while stomping his foot
6 before laughing, saying "coward" and walking away.
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9 70. The aforesaid injuries for which claim is hereby made arose in the following manner:
10 In the instances as described heretofore, the claimant, John W. Karcz, Jr., suffered Intentional
11 Infliction of Emotional Distress, Mental Anguish Psychological and Physical Injuries, due to the
12 herein described outrageous and unlawful conduct, actions, inactions, and abuses of the defendants.
13 By reasons of the foregoing, the claimant has been damaged and demands remuneration, monetary
14 compensation, and judgment against the respondents/defendants herein, The City of North
15 Tonawanda, New York, The City of North Tonawanda Police Department, North Tonawanda Police
16 Detective Larry Kuebler, Jr., North Tonawanda Police Officer Greg Benjamin, North Tonawanda
17 Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda
18 Police Officer Frank Burkhart, and North Tonawanda Police Lieutenant Nick Iwanicki.
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21 71. After 7 recusals, the matter finally was heard in Lockport City Court, and The validity
22 of the arrest was argued, *Pro Se*.
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24 72. Your Plaintiff proved that while probable cause for arrest is not dependent on whether
25 the suspect actually committed any crime, and "the mere fact that the suspect is later acquitted of the
26 offense for which he is arrested is irrelevant." *Id. at 36, 99 S.Ct. 2627.*, But instead as precedential
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1 decisions show us, what matters is whether, looking at the totality of the circumstances at the time of
2 the arrest, "the objective facts available to the officers ... were sufficient to justify a reasonable belief
3 that an offense was being committed." *United States v. Glasser*, 750 F.2d 1197, 1206 (3d Cir.1984)
4 (citing *Beck v. Ohio*, 379 U.S. 89, 96, 85 S.Ct. 223, 13 L.Ed.2d 142 (1964)). The Court decided it
5 was obvious that the officers involved only arrested your deponent in January 2017 as a favor to
6 Kuebler.
7

8
9 **73. On or about January 29, 2019, the allegation of Criminal Contempt in the 1st**
10 **Degree was terminated in the Plaintiff's favor.**

11
12 **74.** On or about February 4th, 2019, at various locations in North Tonawanda, Buffalo, and
13 Lockport, New York, when defendant Brian P. McNamara under the supervision of John J. Flynn,
14 and with the assistance of N.T.P.D. Officer Thomas Krantz, under employment to the City of North
15 Tonawanda, began a vindictive and patently malicious prosecution campaign against this Plaintiff.
16

17 **75.** Krantz and McNamara caused an intentionally spurious complaint to be produced
18 under not only unlawful, but bizarre circumstances, where it was rejected as deficient in indicia of
19 Probable Cause by the North Tonawanda City Court, which is entitled to consider such cause as a
20 strict exercise in administrative duties, but was then signed in the judge's space by Krantz.
21

22
23 **76.** Krantz evidently had appointed himself Judge, Prosecutor, and some sort of Policeman
24 for the day at McNamara's request and in implicit unlawful conspiracy and knowledge therewith and
25 thereof.
26
27
28

1 77. McNamara then knowingly approached the Niagara County Court with the fraudulent
2 complaint bearing several different and intentionally mystifying CR numbers and vindictively had
3 charges filed in Lockport City Court once more over the same events dismissed on January 29, 2019.
4

5 78. When McNamara was notified that I had hired the services of Attorney Steven Cohen,
6 he immediately capitulated and asked the court to dismiss the charges he brought and admitted that
7 no one on the prosecution team had ever possessed a copy of the alleged temporary order of
8 protection I had supposedly violated, and could not produce one for the court.
9

10 79. Thus, McNamara admitted that since early May 2018, this Plaintiff had been falsely
11 arrested and held in jeopardy without any probable cause whatsoever than the perjury of Kuebler,
12 Krantz, and himself.
13

14 80. The very act of compelling my court attendance, requiring the travel of over 500 miles
15 and 2 days lost wages, is in and of itself an ineffable violation of my 4th and 14th amendments
16 protections against illegal search and seizure, no matter how brief, and had both McNamara and
17 Kruntz not committed fraud against the courts to cause a vindictive search and seizure any
18 reasonable and trained individual in their position would realize is unlawful, the Plaintiff herein
19 would not have been damaged by not only the false arrest and illegal search and seizure, but
20 Defamation, Negligence, Invasion of Privacy, Assault, Harassment, willful, malicious, and
21 retaliatory actions against me, which caused me to reasonably be placed in fear of impending harm.
22
23
24

25 81. **On or about May 7, 2019, the third false arrest, falsely and fraudulently alleging**
26 **Criminal Contempt in the 2nd Degree was terminated in the Plaintiff's favor.**
27
28

CAUSES OF ACTION

FIRST CLAIM: EXCESSIVE FORCE

DEPRIVATION OF RIGHTS UNDER THE FOURTH AND FOURTEENTH AMENDMENTS
AND 42 U.S.C. §1983

82. Plaintiff re-alleges and incorporates by reference the allegations set forth in each preceding paragraph as if fully set forth herein.

83. The conduct and actions of Defendants North Tonawanda Police Officer North Tonawanda Police Officer Frank Burkhart and North Tonawanda Police Lieutenant Nick IWANICKI acting in concert and under color of law, in authorizing, directing and/or causing physical injury by North Tonawanda Police Officer Frank Burkhart, on May 2018, wrenching his right shoulder, arm, and back; causing pain, stiffness, bruising, neural injuries to John W. Karcz, was excessive and unreasonable, was done intentionally, willfully, maliciously, with a deliberate indifference and/or with a reckless disregard for the natural and probable consequences of their acts, was done without lawful justification or reason, and was designed to and did cause specific and serious physical and emotional pain and suffering in violation of Plaintiff's rights as guaranteed under 42 U.S.C. §1983, and the Fourth and Fourteenth Amendments to the United States Constitution, including the right to be free from an unreasonable seizure of his person and the right to be free from the use of excessive, unreasonable, and unjustified force, and was carried out at the request of, and in conspiracy with other law enforcement officers for retaliatory reasons.

84. As a direct and proximate result of the foregoing, Plaintiff was subjected to great physical and emotional pain and humiliation, was deprived of his liberty, and was otherwise damaged and injured.

SECOND CLAIM: DENIAL OF MEDICAL CARE

DEPRIVATION OF RIGHTS UNDER THE FOURTEENTH AMENDMENT AND 42 U.S.C.
§1983

85. Plaintiff re-alleges and incorporates by reference the allegations set forth in each preceding paragraph as if fully set forth herein.

86. Members of the NTPD have an affirmative duty to seek medical attention persons who are injured in the course of being apprehended by the police. Defendants North Tonawanda Police Officer North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank Burkhart, North Tonawanda Police Lieutenant Nick Iwanicki, were in the immediate vicinity of Mr. Karcz when his left and right arms, face, right shoulder, and upper back were injured by North Tonawanda Police Officer Frank Burkhart, wrenching his right shoulder, arm, and back. Defendants North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank Burkhart, and North Tonawanda Police Lieutenant Nick Iwanicki, were aware that Mr. Karcz had been hit by injured by their actions, and were aware that Mr. Karcz was experiencing extreme physical pain as a result of North Tonawanda Police Officer Frank Burkhart's use of excessive and unnecessary force, but took no action to provide or request medical care for Mr. Karcz, disregarding the obvious risk to Plaintiff's health.

87. The conduct and actions of Defendants North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank Burkhart, and North Tonawanda Police Lieutenant Nick Iwanicki, acting under color of law, in failing to request or obtain medical attention for John W. Karcz, was unreasonable, was done intentionally, willfully,

1 maliciously, with a deliberate indifference and/or with a reckless disregard for Plaintiff's serious
2 medical needs, and was designed to and did cause specific and serious physical and emotional pain
3 and suffering in violation of Plaintiff's substantive due process rights as guaranteed under 42 U.S.C.
4 §1983, and the Fourteenth Amendment to the United States Constitution.

5
6 88. As a direct and proximate result of the foregoing, Plaintiff was subjected to great physical and
7 emotional pain and suffering and was otherwise damaged and injured.

8
9
10 THIRD CLAIM: DEPRIVATION OF FREE SPEECH AND EXPRESSION

11 DEPRIVATION OF RIGHTS UNDER THE FIRST AND FOURTEENTH AMENDMENTS AND
12 42 U.S.C. §1983

13 89. Plaintiff re-alleges and incorporates by reference the allegations set forth in each preceding
14 paragraph as if fully set forth herein.

15 90. The above described conduct and actions of the individual defendants, The City of North
16 Tonawanda, New York, The City of North Tonawanda Police Department, The County of Erie, New
17 York, The Erie County District Attorney's Office, North Tonawanda Police Detective Larry
18 Kuebler, Jr., North Tonawanda Police Officer Greg Benjamin, North Tonawanda Police Officer Lee
19 Bolslover, North Tonawanda Police Officer Thomas Krantz, North Tonawanda Police Officer Chris
20 Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank
21 Burkhart, North Tonawanda Police Lieutenant Nick Iwanicki, Erie County District Attorney John J.
22 Flynn, Erie County Assistant District Attorney Brian P. McNamara acting under color of law,
23 deprived Plaintiff of his rights to free expression and association, was done due to Defendants'
24 personal animus and bias against the content of Plaintiff's speech, and in retaliation against Plaintiff
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1 s exercise of his constitutionally protected speech; was done to interfere with, and chill, the exercise
2 of free speech and association, and was done intentionally, maliciously, with a deliberate
3 indifference and/or with a reckless disregard for the natural and probable consequences of their acts,
4 was done without lawful justification or reason, and was designed to and did cause specific and
5 serious pain and suffering in violation of Plaintiff's constitutional rights as guaranteed under 42
6 U.S.C. 1983, and the First and Fourteenth Amendments to the United States Constitution.

7
8 91. As a result of the foregoing, Plaintiff suffered the injuries and damages set forth above.

9
10 FOURTH CLAIM: MUNICIPAL LIABILITY
11 FOR CONSTITUTIONAL VIOLATIONS

12 MONELL CLAIM AGAINST THE CITY OF NORTH TONAWANDA - 42 U.S.C. §1983

13 92. Plaintiff re-alleges and incorporates by reference the allegations set forth in each preceding
14 paragraph as if fully set forth herein.

15 93. The CITY OF NORTH TONAWANDA directly caused the constitutional violations suffered
16 by Plaintiff and is liable for the damages suffered by Plaintiff as a result of the conduct of the
17 defendant officers. The conduct of the defendant officers was a direct consequence of policies and
18 practices of Defendant CITY OF NORTH TONAWANDA.

19
20 94. At all times relevant to this complaint Defendant CITY OF NORTH TONAWANDA, acting
21 through the NTPD, had in effect policies, practices, and customs that condoned and fostered the
22 unconstitutional conduct of the individual defendants, and were a direct and proximate cause of the
23 damages and injuries complained of herein.
24

1 95. The false arrests described herein were part of four similar such false arrests in a two-year
2 period of the Plaintiff Mr. Karcz. All of those false arrests led to dismissal of charges in the
3 Plaintiff's favor.
4

5 96. The events of described heretofore were part of an ongoing conspiracy to chill the Plaintiff
6 and other similarly situated individuals' constitutionally protected expression of free speech and
7 other protected expression.
8

9 97. At all times relevant to this complaint, Defendant CITY OF NORTH TONAWANDA, acting
10 through its police department, and through the individual defendants, had policies, practices,
11 customs, and usages of encouraging and/or tacitly sanctioning the violation of and/or retaliation for
12 individuals' exercise of free expression and assembly. Upon information and belief, Defendant CITY
13 OF NORTH TONAWANDA planned and implemented a policy, practice, custom and usage of
14 controlling free speech, that was designed to and did preempt lawful activities by illegally detaining
15 persons engaged in protected First Amendment activity, using excessive force against persons
16 engaged in protected First Amendment activity, retaliating against witnesses to police misconduct,
17 and discouraging police officers from reporting the misconduct of other officers. In at least four
18 other instances involving Mr. Karcz, and many others similarly situated, The CITY OF NORTH
19 TONAWANDA consciously disregarded the illegality and unconstitutionality of said detentions, use
20 of force, and retaliation in order to punish and suppress peaceful expression and association with his
21 previously filed litigation against them. These policies, practices, customs, and usages were a direct
22 and proximate cause of the unconstitutional conduct alleged herein.
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1 98. The existence of these unconstitutional customs and policies, specifically as it relates to free
2 speech, is evidenced by the countless repeated occurrences of similar wrongful conduct documented
3 by the 4 false arrests of Mr. Karcz leading to summary dismissals in local court since 2017.

4 99. The existence of these unconstitutional customs and policies, specifically as it relates to free
5 speech, is evidenced by the countless repeated occurrences of similar wrongful conduct documented
6 at in the City over the past year, most recently the illegal search and seizure at North Tonawanda
7 City Hall on June 25th, 2019 of legless war hero Staff Sergeant Timothy A. Payne who came to City
8 Hall to engage in a discussion with the mayor. A conversation which involved the staff sergeant's
9 free speech which the mayor was quoted as saying was "alarming," leading NTPD officers to
10 VIOLENTLY take the wheelchair-bound veteran into physical custody. OVER MERE WORDS!

11 100. The existence of these unconstitutional customs and policies, specifically as it relates to
12 NTPD violence towards citizens, is evidenced by the countless repeated occurrences of similar
13 wrongful conduct documented by the 4 false arrests of Mr. Karcz leading to summary dismissals in
14 local court since 2017, as well as numerous other civil rights cases filed in this Court against the
15 CITY OF NORTH TONAWANDA over the past several years.

16 101. The CITY OF NORTH TONAWANDA knew or should have known of the defendant
17 officers' propensity to engage in misconduct of the type alleged herein. Upon information and belief,
18 prior to May 19, 2019, the CITY OF NORTH TONAWANDA was aware of several complaints of
19 police misconduct involving the use of excessive force and retaliatory use of force against citizens
20 engaged in free speech by members of the NTPD. Despite its knowledge of such incidents of prior
21 misconduct, the CITY OF NORTH TONAWANDA failed to take remedial action.

1 102. It was the policy and/or custom of the CITY OF NORTH TONAWANDA to inadequately
2 and improperly investigate citizen complaints of police officer misconduct, and acts of misconduct
3 were instead tolerated by the CITY OF NORTH TONAWANDA, including, but not limited to, the
4 incidents listed above.
5

6 103. It was the policy and/or custom of the CITY OF NORTH TONAWANDA to inadequately
7 train, supervise and discipline its police and peace officers, including the defendant officers, thereby
8 failing to adequately discourage further constitutional violations on the part of its police officers. The
9 CITY OF NORTH TONAWANDA did not require appropriate in-service training or re-training of
10 officers who were known to have engaged in misconduct, according to Gary P. Lewis, NTPD Senior
11 Clerk, and Captain Karen M. Smith, who both confirmed that the CITY OF NORTH
12 TONAWANDA Police Department has no internal affairs or disciplinary division. Both stated that
13 Defendant North Tonawanda Chief of Police Roger ZGOLAK, ““likes to handle these types of
14 complaints “personally.””
15
16

17 104. As newly appointed Chief, Tom KRANTZ has shown no willingness to improve these
18 unlawful and woefully inadequate policies, and is hereby sued for same.
19

20 105. As a result of the above described policies and customs, police officers of the CITY OF
21 NORTH TONAWANDA, including the defendant officers, believed that their actions would not be
22 properly monitored by supervisory officers and that misconduct would not be investigated or
23 sanctioned, but would be tolerated.
24

25 106. The wrongful policies, practices, customs and/or usages complained of herein, demonstrated a
26 deliberate indifference on the part of policymakers of the CITY OF NORTH TONAWANDA to the
27
28

1 constitutional rights of persons within the city, and were the direct and proximate cause of the
2 violations of Plaintiffs' rights alleged herein.
3

4
5 FIFTH CLAIM: ASSAULT AND BATTERY

6 COMMON LAW CLAIM

7 107. Plaintiff re-alleges and incorporates by reference the allegations set forth in each preceding
8 paragraph as if fully set forth herein.
9

10 108. By the conduct and actions described above, North Tonawanda Police Detective Larry
11 Kuebler, Jr., North Tonawanda Police Officer Greg Benjamin, North Tonawanda Police Officer Lee
12 Bolslover, North Tonawanda Police Officer Thomas Krantz, North Tonawanda Police Officer Chris
13 Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank
14 Burkhart, North Tonawanda Police Lieutenant Nick Iwanicki, inflicted the torts of assault and
15 battery upon Plaintiff. The acts and conduct of Defendants North Tonawanda Police Detective Larry
16 Kuebler, Jr., North Tonawanda Police Officer Greg Benjamin, North Tonawanda Police Officer Lee
17 Bolslover, North Tonawanda Police Officer Thomas Krantz, North Tonawanda Police Officer Chris
18 Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank
19 Burkhart, North Tonawanda Police Lieutenant Nick Iwanicki, were the direct and proximate cause of
20 injury and damage to Plaintiff and violated Plaintiff's statutory and common law rights as guaranteed
21 by the laws and Constitution of the State of New York.
22

23 109. Defendants OTABACHIAN AND LONCAR 's acts constituted an assault upon Plaintiff in
24 that BURKHART intentionally attempted to injure Plaintiff or commit a battery upon him, and
25 further that North Tonawanda Police Detective Larry Kuebler, Jr., North Tonawanda Police Officer
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1 Greg Benjamin, North Tonawanda Police Officer Lee Bolslover, North Tonawanda Police Officer
2 Thomas Krantz, North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer
3 Jeffrey Swick, North Tonawanda Police Officer Frank Burkhart, North Tonawanda Police Lieutenant
4 Nick Iwanicki, 's acts represented a grievous affront to Plaintiff.
5

6 110. Defendants BURKHART 's acts constituted a battery upon Plaintiff in that the above
7 described bodily contact was intentional, unauthorized, and grossly offensive in nature.

8 111. The actions of Defendants North Tonawanda Police Detective Larry Kuebler, Jr., North
9 Tonawanda Police Officer Greg Benjamin, North Tonawanda Police Officer Lee Bolslover, North
10 Tonawanda Police Officer Thomas Krantz, North Tonawanda Police Officer Chris Mamot, North
11 Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank Burkhart, North
12 Tonawanda Police Lieutenant Nick Iwanicki, were intentional, reckless, and unwarranted, and
13 without any just cause or provocation, and these Defendants knew, or should have known, that their
14 actions were without the consent of Plaintiff.
15

16 112. The injuries sustained by Plaintiff were caused wholly and solely by reason of the conduct
17 described, and Plaintiff did not contribute thereto.
18

19 113. As a direct and proximate result of the foregoing, Plaintiff was subjected to great physical
20 and emotional pain and humiliation, was deprived of his liberty, and was otherwise damaged and
21 injured.
22

23
24 SIXTH CLAIM: FALSE ARREST AND IMPRISONMENT

25 _COMMON LAW CLAIM
26
27
28

1 114. Plaintiff re-alleges and incorporates by reference the allegations set forth in each preceding
2 paragraph as if fully set forth herein.

3 115. By their actions, and while purporting to act according to the law, without any probable cause
4 or reasonable basis to do so, Defendants specifically described above committed the tort of false
5 arrest at around on or about January 26, 2017, May 12, 2018, and May 7, 2019, by detaining and
6 intentionally restraining the Plaintiff's freedom of movement without his consent.
7

8 116. While intentionally restraining the Plaintiff's freedom of movement without his consent
9 Defendants BURKHART, SWICK, BENJAMIN, AND BOLSLOVER took the Plaintiff by force to
10 the Police Department station located in North Tonawanda City Hall where their commanding
11 officer, Defendant IWANICKI without probable cause or any reasonable basis to do so and without
12 the Plaintiff's consent, joined them to continue the false arrest and also the false imprisonment of
13 the Plaintiff.
14

15 117. Defendants BURKHART, SWICK, BENJAMIN, AND BOLSLOVER intentionally confined
16 Plaintiff in a vehicle and in the jail at North Tonawanda City Hall without consent.
17

18 118. Defendants BURKHART, SWICK, BENJAMIN, AND BOLSLOVER and IWANICKI knew,
19 or should have known, that they had no lawful authority to detain or arrest Plaintiff as the acts
20 complained of constituted no crime.
21

22 119. Defendants BURKHART, SWICK, BENJAMIN, AND BOLSLOVER and IWANICKI
23 confined Plaintiff unlawfully in the North Tonawanda City Jail located in City Hall.
24

25 120. Defendants BURKHART, SWICK, BENJAMIN, AND BOLSLOVER and IWANICKI's
26 conduct constituted both false arrest and false imprisonment of Plaintiff.
27

1 121. By the conduct and actions described above, Defendants BURKHART, SWICK,
2 BENJAMIN, AND BOLSLOVER and IWANICKI inflicted the tort of false imprisonment upon
3 Plaintiff. The acts and conduct of Defendants BURKHART, SWICK, BENJAMIN, AND
4 BOLSLOVER and IWANICKI were the direct and proximate cause of injury and damage to
5 Plaintiff and violated Plaintiff's statutory and common law rights as guaranteed by the laws and
6 Constitution of the State of New York.
7

8 122. Defendants BURKHART, SWICK, BENJAMIN, AND BOLSLOVER and IWANICKI 's acts
9 constituted a false imprisonment upon Plaintiff in that BURKHART, SWICK, BENJAMIN, AND
10 BOLSLOVER and IWANICKI confined Plaintiff against his will, without his consent, and without
11 lawful privilege.
12

13 123. Defendants BURKHART, SWICK, BENJAMIN, AND BOLSLOVER and IWANICKI 's
14 acts constituted a false imprisonment upon Plaintiff in that the above described actions were
15 intentional, unauthorized, and secured by force, threat of bodily harm, and assertion of arrest under
16 colorable legal authority.
17

18 124. The actions of Defendants BURKHART, SWICK, BENJAMIN, AND BOLSLOVER and
19 IWANICKI were intentional, reckless, and unwarranted, and without any just cause or provocation,
20 and Defendants BURKHART, SWICK, BENJAMIN, AND BOLSLOVER and IWANICKI knew,
21 or should have known, that their actions were without the consent of Plaintiff or privilege of law.
22

23 125. The injuries sustained by Plaintiff were caused wholly and solely by reason of the conduct
24 described, and Plaintiff did not contribute thereto.
25
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126. As a direct and proximate result of the foregoing, Plaintiff was subjected to great physical and emotional pain and humiliation, was deprived of his liberty, and was otherwise damaged and injured.

SEVENTH CLAIM: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

COMMON LAW CLAIM

127. Plaintiff re-alleges and incorporates by reference the allegations set forth in each preceding paragraph as if fully set forth herein.

128. Defendants The City of North Tonawanda, New York, The City of North Tonawanda Police Department, The County of Erie, New York, The Erie County District Attorney's Office, North Tonawanda Police Detective Larry Kuebler, Jr., North Tonawanda Police Officer Greg Benjamin, North Tonawanda Police Officer Lee Bolslover, North Tonawanda Police Officer Thomas Krantz, North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank Burkhardt, North Tonawanda Police Lieutenant Nick Iwanicki, Erie County District Attorney John J. Flynn, Erie County Assistant District Attorney Brian P. McNamara's conduct, as described herein, without provocation or justification, was extreme, outrageous, and utterly intolerable in a civilized community; conduct which exceeded all reasonable bounds of decency.

129. Defendants The City of North Tonawanda, New York, The City of North Tonawanda Police Department, The County of Erie, New York, The Erie County District Attorney's Office, North Tonawanda Police Detective Larry Kuebler, Jr., North Tonawanda Police Officer Greg Benjamin, North Tonawanda Police Officer Lee Bolslover, North Tonawanda Police Officer Thomas Krantz,

1 North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick,
2 North Tonawanda Police Officer Frank Burkhart, North Tonawanda Police Lieutenant Nick
3 Iwanicki, Erie County District Attorney John J. Flynn, Erie County Assistant District Attorney Brian
4 P. McNamara's conduct, described above, was intended to and did cause severe emotional distress to
5 Plaintiff.
6

7 130. The conduct of Defendants The City of North Tonawanda, New York, The City of North
8 Tonawanda Police Department, The County of Erie, New York, The Erie County District Attorney's
9 Office, North Tonawanda Police Detective Larry Kuebler, Jr., North Tonawanda Police Officer
10 Greg Benjamin, North Tonawanda Police Officer Lee Bolslover, North Tonawanda Police Officer
11 Thomas Krantz, North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer
12 Jeffrey Swick, North Tonawanda Police Officer Frank Burkhart, North Tonawanda Police
13 Lieutenant Nick Iwanicki, Erie County District Attorney John J. Flynn, Erie County Assistant
14 District Attorney Brian P. McNamara was the direct and proximate cause of injury and damage to
15 Plaintiff and violated his statutory and common law rights as guaranteed by the laws and
16 Constitution of the State of New York.
17
18
19

20 131. As a result of the foregoing, Plaintiff was deprived of his liberty, was subjected to serious
21 physical and emotional pain and suffering and was otherwise damaged and injured.
22

23 EIGHTH CLAIM: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

24 COMMON LAW CLAIM

25 132. Plaintiff re-alleges and incorporates by reference the allegations set forth in each preceding
26 paragraph as if fully set forth herein.
27
28

133. Defendants The City of North Tonawanda, New York, The City of North Tonawanda Police Department, The County of Erie, New York, The Erie County District Attorney's Office, North Tonawanda Police Detective Larry Kuebler, Jr., North Tonawanda Police Officer Greg Benjamin, North Tonawanda Police Officer Lee Bolslover, North Tonawanda Police Officer Thomas Krantz, North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank Burkhart, North Tonawanda Police Lieutenant Nick Iwanicki, Erie County District Attorney John J. Flynn, Erie County Assistant District Attorney Brian P. McNamara conduct, in causing assault and battery of the Plaintiff, was careless and negligent as to the emotional health of Plaintiff and caused severe emotional distress to Plaintiff.

134. The acts and conduct of Defendant The City of North Tonawanda, New York, The City of North Tonawanda Police Department, The County of Erie, New York, The Erie County District Attorney's Office, North Tonawanda Police Detective Larry Kuebler, Jr., North Tonawanda Police Officer Greg Benjamin, North Tonawanda Police Officer Lee Bolslover, North Tonawanda Police Officer Thomas Krantz, North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank Burkhart, North Tonawanda Police Lieutenant Nick Iwanicki, Erie County District Attorney John J. Flynn, Erie County Assistant District Attorney Brian P. McNamara was the direct and proximate cause of injury and damage to Plaintiff and violated his statutory and common law rights as guaranteed by the laws and Constitution of the State of New York.

135. As a result of the foregoing, Plaintiff was deprived of his liberty, was subjected to serious physical and emotional pain and suffering and was otherwise damaged and injured.

NINTH CLAIM: NEGLIGENCE

COMMON LAW CLAIMS

136. Plaintiff re-alleges and incorporates by reference the allegations set forth in each preceding paragraph as if fully set forth herein.

137. Defendants North Tonawanda Police Officer Greg Benjamin, North Tonawanda Police Officer Lee Bolslover, North Tonawanda Police Officer Thomas Krantz, North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank Burkhardt, North Tonawanda Police Lieutenant Nick Iwanicki, while acting as agents and employees for Defendant CITY OF NORTH TONAWANDA, in their capacity as a police officer for the CITY OF NORTH TONAWANDA, owed a duty to Plaintiff to perform their police duties without the use of excessive force. Defendants use of force upon Plaintiff, when Plaintiff was unarmed and did not pose a threat of death or grievous bodily injury to Defendants or to others constitutes negligence for which Defendants North Tonawanda Police Officer Greg Benjamin, North Tonawanda Police Officer Lee Bolslover, North Tonawanda Police Officer Thomas Krantz, North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank Burkhardt, North Tonawanda Police Lieutenant Nick Iwanicki are individually liable.

138. Defendants North Tonawanda Police Officer Greg Benjamin, North Tonawanda Police Officer Lee Bolslover, North Tonawanda Police Officer Thomas Krantz, North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank Burkhardt, North Tonawanda Police Lieutenant Nick Iwanicki use of force upon Plaintiff when Defendants North Tonawanda Police Officer Greg Benjamin, North Tonawanda

Police Officer Lee Bolslover, North Tonawanda Police Officer Thomas Krantz, North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank Burkhart, North Tonawanda Police Lieutenant Nick Iwanicki had no lawful authority to arrest Plaintiff or to use force against Plaintiff constitutes negligence for which Defendants North Tonawanda Police Officer Greg Benjamin, North Tonawanda Police Officer Lee Bolslover, North Tonawanda Police Officer Thomas Krantz, North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank Burkhart, North Tonawanda Police Lieutenant Nick Iwanicki are individually liable.

139. Defendants North Tonawanda Police Officer Greg Benjamin, North Tonawanda Police Officer Lee Bolslover, North Tonawanda Police Officer Thomas Krantz, North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank Burkhart, North Tonawanda Police Lieutenant Nick Iwanicki, while acting as agents and employees for Defendant CITY OF NORTH TONAWANDA, in their capacity as a police officers for the CITY OF NORTH TONAWANDA, owed a duty to Plaintiff to perform their police duties without the use of false imprisonment. Defendants North Tonawanda Police Officer Greg Benjamin, North Tonawanda Police Officer Lee Bolslover, North Tonawanda Police Officer Thomas Krantz, North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank Burkhart, North Tonawanda Police Lieutenant Nick Iwanicki 's use of false imprisonment upon Plaintiff, when Plaintiff was unarmed and did not commit a crime against Defendants North Tonawanda Police Officer Greg Benjamin, North Tonawanda Police Officer Lee Bolslover, North Tonawanda Police Officer Thomas Krantz, North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda

Police Officer Frank Burkhart, North Tonawanda Police Lieutenant Nick Iwanicki or to others constitutes negligence for which Defendants The City of North Tonawanda, New York, The City of North Tonawanda Police Department, The County of Erie, New York, The Erie County District Attorney's Office, North Tonawanda Police Detective Larry Kuebler, Jr., North Tonawanda Police Officer Greg Benjamin, North Tonawanda Police Officer Lee Bolslover, North Tonawanda Police Officer Thomas Krantz, North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank Burkhart, North Tonawanda Police Lieutenant Nick Iwanicki, are individually liable.

140. Defendants North Tonawanda Police Officer Greg Benjamin, North Tonawanda Police Officer Lee Bolslover, North Tonawanda Police Officer Thomas Krantz, North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank Burkhart, North Tonawanda Police Lieutenant Nick Iwanicki's use of force and the threat of bodily harm to imprison Plaintiff when Defendants North Tonawanda Police Officer Greg Benjamin, North Tonawanda Police Officer Lee Bolslover, North Tonawanda Police Officer Thomas Krantz, North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank Burkhart, North Tonawanda Police Lieutenant Nick Iwanicki had no lawful authority to arrest Plaintiff or to imprison Plaintiff constitutes negligence for which Defendants North Tonawanda Police Officer Greg Benjamin, North Tonawanda Police Officer Lee Bolslover, North Tonawanda Police Officer Thomas Krantz, North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank Burkhart, North Tonawanda Police Lieutenant Nick Iwanicki are individually liable.

1 141. As a proximate result of Defendants North Tonawanda Police Officer Greg Benjamin, North
2 Tonawanda Police Officer Lee Bolslover, North Tonawanda Police Officer Thomas Krantz, North
3 Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick, North
4 Tonawanda Police Officer Frank Burkhart, North Tonawanda Police Lieutenant Nick Iwanicki's
5 negligent use of excessive force and false imprisonment, Plaintiff sustained physical and emotional
6 pain and suffering, and was otherwise damaged and injured.
7

8 TENTH CLAIM: RESPONDEAT SUPERIOR LIABILITY
9
10 OF THE CITY OF NORTH TONAWANDA FOR STATE LAW VIOLATIONS

11
12 COMMON LAW CLAIM

13 142. Plaintiff re-alleges and incorporates by reference the allegations set forth in each preceding
14 paragraph as if fully set forth herein.

15 143. The conduct of Defendants North Tonawanda Police Officer Greg Benjamin, North
16 Tonawanda Police Officer Lee Bolslover, North Tonawanda Police Officer Thomas Krantz, North
17 Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick, North
18 Tonawanda Police Officer Frank Burkhart, North Tonawanda Police Lieutenant Nick Iwanicki
19 alleged herein occurred while they were on duty and in uniform, in and during the course and scope
20 of his duties and functions as a City of North Tonawanda police officer, and while they was acting
21 as an agent, officer, servant and employee of Defendant CITY OF NORTH TONAWANDA. As a
22 result, Defendant CITY OF NORTH TONAWANDA is liable to Plaintiff pursuant to the state
23 common law doctrine of respondeat superior.
24
25

26
27 144.
28

ELEVENTH CLAIM: NEGLIGENT SUPERVISION RETENTION AND TRAINING

COMMON LAW CLAIM

145. Plaintiff re-alleges and incorporates by reference the allegations set forth in each preceding paragraph as if fully set forth herein.

146. Defendant CITY OF NORTH TONAWANDA negligently trained, retained, and supervised Defendants North Tonawanda Police Officer Greg Benjamin, North Tonawanda Police Officer Lee Bolslover, North Tonawanda Police Officer Thomas Krantz, North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank Burkhart, North Tonawanda Police Lieutenant Nick Iwanicki. The acts and conduct of Defendant North Tonawanda Police Officer Greg Benjamin, North Tonawanda Police Officer Lee Bolslover, North Tonawanda Police Officer Thomas Krantz, North Tonawanda Police Officer Chris Mamot, North Tonawanda Police Officer Jeffrey Swick, North Tonawanda Police Officer Frank Burkhart, North Tonawanda Police Lieutenant Nick Iwanicki were the direct and proximate cause of injury and damage to Plaintiff and violated his statutory and common law rights as guaranteed by the laws and Constitution of the State of New York.

147. As a result of the foregoing, Plaintiff was deprived of his liberty, was subjected to great physical and emotional pain and suffering and was otherwise damaged and injured.

1 WHEREFORE, Plaintiff demands the following relief jointly and severally against all of
2 the Defendants in both their official and private capacities:

- 3 a. Compensatory damages in the amount of \$250,000.00;
4
5 b. Punitive damages in the amount of 750,000.00;
6
7 c. The convening and empaneling of a jury to consider the merits of the claims
8 herein;
9
10 d. Costs and interest and attorney's fees;
11
12 e. Such other and further relief as this Court may deem just and proper.

11 Dated: North Tonawanda, New York
12 August 6, 2020

13
14 

15 JOHN W. KARCZ
16 357 DANIEL DRIVE
17 NORTH TONAWANDA,
18 NEW YORK, 14120
19
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21
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23
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JS 44 (Rev. 12/07)

CIVIL COVER SHEET

20

CV1045

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
 JOHN W KARCZ

 (b) County of Residence of First Listed Plaintiff NIAGARA
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DEFENDANTS

CITY OF NORTH TONAWANDA AND ERIE COUNTY

 County of Residence of First Listed Defendant NIAGARA
 (IN U.S. PLAINTIFF CASES ONLY)

 NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
 LAND INVOLVED.

 Attorneys (If Known)
 TED GRANEY, KEN KIRBY
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- | | | | |
|---|---|---|---|
| Citizen of This State | PTF <input checked="" type="checkbox"/> DEF <input checked="" type="checkbox"/> | Incorporated or Principal Place of Business In This State | PTF <input type="checkbox"/> DEF <input type="checkbox"/> |
| Citizen of Another State | <input type="checkbox"/> 2 <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSJD Title XVI <input type="checkbox"/> 865 RSI (405(g)) SOCIAL SECURITY <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC 1983

Brief description of cause:

3 FALSE ARRESTS AND MALICIOUS PROSECUTION UNDER COLOR OF LAW

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

1,000,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE VILARDODOCKET NUMBER 16- 628

DATE

SIGNATURE OF ATTORNEY OF RECORD

08/06/2020

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____